

CRIMINAL DOCKET - U.S. District Court

U.S.

(LAST, FIRST, MIDDLE)

Case Filed

Docket No. Def.

PO ☐ 0417 - 03 - 1709
Misd. ☐
Assigned
Disp./Sentence
Felony ☒ District Off Judge/Magistr.

WRIT
JUVENILE
ALIAS
OFFENSE ON INDEX CARD

KELLEY, Edward
a/k/a "Fast Eddie"

Mo. 01 Day 10 Yr. 89
No. of Def's 00003
U.S. MAG. CASE NO.

I. CHARGES

U.S. TITLE/SECTION	OFFENSES CHARGED	ORIGINAL COUNTS
21:841 & 846	Conspiracy to possess with intent to distribute & distribution of Sched. I cont. substance, to wit: LSD (Ct. 1)	1
21:841 & 18:2	Distribution of Sched. I cont. sub., to wit: LSD (Cts 2&3)	2
18:1952(a)&2	Interstate Travel in aid of racketeering & aiding & abetting (Ct. 4)	1
21:843(b)	Unlawful use of communication facility (Cts. 5-8)	4

II. KEY DATE

INTERVAL ONE	END ONE AND/OR BEGIN TWO (OR RESTART PERIOD TO TRIAL)	END INTERVAL TWO
KEY DATE 3-19-89 EARLIEST OF 1st appears with or waives counsel	KEY DATE 1/10/89 APPLICABLE 1st Trial Ended	KEY DATE 3/31/89 APPLICABLE 2nd Trial Began
ARRAIGNMENT	RE-TRIAL	DISPOSITION DATE
SENTENCE DATE	PTD Nolle Pros.	FINAL CHARGES DISMISSED or S.T. grounds

IV. NAMES & ADDRESSES OF ATTORNEYS, SURETIES, ETC.

Search Warrant	Issued	DATE	INITIAL/NO.	INITIAL APPEARANCE DATE	INITIAL/NO.	OUTCOME:												
Summar	Arrest W	CON	Date of	<p>Per David Adair AO - #1 can use excludable time that #2 is out of district for sentencing in Calif. pursuant to 3161(h)(7)</p> <p>Mob. for reconcil: Sept. 15 10:00 Mag Dixon</p> <p>James R. Parish (ent. 4/25/89) P. O. Drawer 1824 Fayetteville, NC 28302 483-7680</p> <p>70 days up: 9-29-89 (w/mob) 6/9/89</p> <p>A&TD: 9-11-89 5/30/89</p>														
Show las	AT U.S.	Defense:	Feder				Bann	Fayet										
<p>FINE AND RESTITUTION PAYMENTS</p> <table border="1"><thead><tr><th>DATE</th><th>RECEIPT NUMBER</th><th>C.D. NUMBER</th><th>DATE</th><th>RECEIPT NUMBER</th><th>C.D. NUMBER</th></tr></thead><tbody><tr><td colspan="6">Case 3:89-cr-00003-H Document 1 Filed 01/10/89 Page 1 of 6</td></tr></tbody></table>							DATE	RECEIPT NUMBER	C.D. NUMBER	DATE	RECEIPT NUMBER	C.D. NUMBER	Case 3:89-cr-00003-H Document 1 Filed 01/10/89 Page 1 of 6					
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Case 3:89-cr-00003-H Document 1 Filed 01/10/89 Page 1 of 6																		

DATE DOCUMENT NO.		Yr	Docket No	Def.	MASTER DOCKET - MULTIPLE DEFENDANT CASE PROCEEDINGS DOCKET FOR SINGLE DEFENDANT	PAGE	OF	VI EXCLUDABLE DELAY		
								Start Date End Date	Ltr Code	Total Days
V. PROCEEDINGS										
1/10/89	1	INDICTMENT filed; cys dist.								
"	2	MEMORANDUM requesting issuance of arrest warrant; \$250,000 secured bond recommended								
1/12/89	3	ARREST WARRANT issued; orig. & 1 to USMS for service; cy to SAUSA								
3/21/89		Rec'd Field Report; def't arrested by USMS, N/NY on 3/19/89								
3/27/89		Rec'd Mag. papers from N/NY (Mag. Smith); def't appeared 3/20/89 N/NY @ Albany; AUSA there recommended detention pending removal back to EDNC; motion granted; detention hearing to be held in EDNC upon def't's arrival								
"	4	COMMITMENT TO ANOTHER DISTRICT (cy-rec'd from N/NY								
"	5	WAIVER OF RULE 40 HEARINGS by def't; def't waives identity hearing; detention hearing to be held in demanding state								
3/31/89		INITIAL APPEARANCE @ Wilmington; Mag. Boyle; gov't moved for detention; def't requested court assigned counsel; detention hearing set for 4/4/89 11:00 a.m. @ Fay. before Mag. Dixon								
"		ISSUED NOTICE of detention hearing scheduled for April 4, 1989 at Fay. before Mag. Dixon; cys to Mag. Dixon; AUSA: FPD; USPO; USMS; Clerk, Fay; Joyce Todd, Civil Section; Court rptr. bb								
3/31/89	6.	ORDER OF TEMPORARY DETENTION PENDING HEARING PURSUANT TO BAIL REFORM ACT								
4/3/89	7.	ORDER directing Federal Public Defender to provide representation in this action; BOYLE, Karen P., U. S. Mag.; cy to FPD bb								
	8.	MARSHAL'S RETURN ON WARRANT FOR ARREST - Date of arrest 3-19-89 Andre LaBier, Deputy U.S. Marshal.								
	9.	COMMITMENT TO ANOTHER DISTRICT - Date commitment order received 3-30-89 and committed 3-30-89 to New Hanover County Jail William Dickinson, Deputy U.S. Marshal.								
4-4-89		DETENTION HEARING - Mag. Dixon- at Fayetteville, N.C. Court Reporter Jo Bush. Govt. evidence, defendant heard on proffer, court states that it relies on pretrial services report. U.S. Attorney states to the court that bond no longer applies in this case, Court states that the government has the rebuttable presumption, defendant remanded to custody of the U.S. Marshal.								
	10.	ORDER OF DETENTION PENDING TRIAL - The defendant's continued dealing in controlled substances both in Philadelphia and in the Eastern District of North Carolina while being on probation from a Wisconsin conviction for the same type activity is sufficient to demonstrate to me the defendant's propensity to pose a danger to the safety of the community or any other person. Moreover, the defendant's homeless status and absolute lack of ties to this judicial district is sufficient to demonstrate the likelihood of his failure to appear in this district. Accordingly, the defendant is committed to the custody of the Attorney General. Mag. Dixon, CR OB # 11, p 13 cys. dist. (ent. 4-6-89) ms								
4/7/89	11.	ORDER ON PRE TRIAL SCHEDULING-conclude all discovery on or before April 20, 1989; motions due May 1, 1989; responses due May 15, 1989; DENSON, Alexander B., U. S. Mag; cc to SAUSA; Mr. Cooper; Judge Howard bb								
4/25/89	12.	NOTICE OF APPEARANCE-by James R. Parish as court appointed counsel for def't; cy to Mag. Denson; USPO; Judge Howard bb								
"	13.	MOTION FOR DISCOVERY by def't; cy to Mag. Denson; cs to SAUSA bb								
"	14.	MOTION TO BE PROVIDED CRIMINAL RECORDS OF TESTIFYING CO-DEFENDANTS by def't								

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UNITED STATES DISTRICT COURT
CRIMINAL DOCKET

U. S. vs

KELLEY, Edward

AO 256A

89 Yr. 00003 Docket No. 01 Def.

DATE	PROCEEDINGS (continued)	V. EXCLUDABLE DELAY			
		(a)	(b)	(c)	(d)
4/26/89	(Document No.) MOTION IN LIMINE TO EXCLUDE MENTION DEFENDANT REFUSED TO MAKE STATEMENT-by def't; cs to SAUSA; cy to Judge Howard w/memo for handling instructions		4/26/89 5-15-89	E	19
"	MOTION FOR A BILL OF PARTICULARS by def't; cs to SAUSA; cy to Mag. Denson	bb	4/26/89 5/23/89	E	
"	MEMORANDUM IN SUPPORT OF MOTION FOR BILL OF PARTICULARS by def't; cs to SAUSA; cy to Mag. Denson	bb			
5-3-89	18. RESPONSE TO MOTION FOR DISCOVERY, MOTION IN LIMINE TO EXCLUDE MENTION DEFENDANT REFUSED TO MAKE STATEMENT MOTION TO BE PROVIDED CRIMINAL RECORDS OF TESTIFYING CO-CONSPIRATORS w/cs Mr. Parish, lc Judge Howard				
	19. RESPONSE TO MOTION FOR BILL OF PARTICULARS - w/cs Mr. Parish, lc Mag. Denson (ent. 5-4-89) ms				
5-15-89	20. ORDER - This matter comes before the court on defendant's motion in limine, filed April 26, 1989. Defendant's motion is granted. Judge Howard, CR OB # 11, p 60 cys. to counsel of record, lc Judge Howard, (ent. 5-16-89) ms				
5/23/89	21. the defendant's Motion to be Provided with Criminal Records of Testifying Co-Defendants and Motion for Discovery ARE ALLOWED and the Motion for Bill of Particulars IS ALLOWED to the extent that the government is required to disclose the names of known co-conspirators and is otherwise DENIED; DENSON, Alexander B., U.S.Mag.; CR OB#11, p. 84; cc to AUSA; Mr. Cooke & Parish; Judge Howard; ent. 5/23/89				
6/20/89	70 days up 8/5/89 w/excludable time (motions & 30 days 1st appearance of co-def't in this district)	bb			
7/27/89	70 days up 9/29/89 w/excludable time (including 6/20/89 entry plus 57 days co-def't was out of district for sentencing in other fed. charges)(3161(h)(7) per AO)	bb			
7/25/88	22 GOVERNMENT'S PROPOSED QUESTIONS OF VOIR DIRE-cs to Mr. Parish; cy to Judge Howard	bb			
7/31/89	23 MOTION TO EXCLUDE TIME UNDER 18 U.S.C. 3161 SPEEDY TRIAL-by gov't praying for an order excluding the time period beginning w/the date of the escape of Acus from federal custody in computing time for speedy trial purposes; cs to FPD office; cy to Judge Howard		7-31-89	E	
"	24. GOVERNMENT'S PROPOSED JURY INSTRUCTIONS; cs to atty; cy to Judge Howard	bb			
8/7/89	25. DEFENDANT'S RESPONSE TO GOVERNMENT'S MOTIONS TO EXCLUDE TIME and MOTION TO DISMISS the Government's Motion; MOTION FOR RELEASE FROM CUSTODY; MOTION TO DISMISS THE INDICTMENT; cs to SAUSA; cy to Judge Howard		8/7/89		

UNITED STATES DISTRICT COURT
CRIMINAL DOCKET

AO 256A

DATE	(Document No.)	PROCEEDINGS (continued)	V. EXCLUDABLE DELAY			
			(a)	(b)	(c)	(d)
8/28/89	26	ORDER-ORDERED that the motion of the government to exclude the time attributable to the absence of Acus from the speedy trial computation in the case of each defendant is GRANTED. It is further ORDERED that the time period beginning on July 20, 1989, the date of Acus's escape, be excluded from the computation of time for speedy trial in the case of each defendant. This time period shall continue to be excluded until the date that Acus is returned to custody; HOWARD, Malcolm J., U. S. Dist. Judge; CR OB# 12, p. 3; cc to AUSA: def't atty; Judge Howard; USMS; ent. 8/28/89				
8/29/89		Sent note to USMS w/cy of above order asking them to notify us when Acus apprehended so we could set this case for trial	bb			
8/30/89	27.	MOTION FOR RECONSIDERATION OF CONDITIONS OF RELEASE PENDING TRIAL; def't requests re-hearing and reconsideration on his pre-trial detention; cs to SAUSA; cyto Mag. Dixon		bb		
9/7/89		ISSUED NOTICE-case set for hearing on Motion for Reconsideration of bond before Mag. Dixon @ Fayetteville on 9/15/89 10:00 A.M.-cys to Mag. Dixon; Major Borch, SAUSA; Messrs. Cooke & Parish; USPO; USMS; Clerk, Fayetteville, Joyce Todd, civil seciton; court reporter		bb		
9/15/89		HEARING on reconsideration of bond @ Fay; Mag. Dixon; Carol Williams, court reporter; the court chose not to decide about release at this time, but asked USPO to check w/various family members of def't as well as w/officials in Wisconsin; def't remain in custody of USMS for now				
"	28.	ORDER-although with the escape from custody of the government's principal witness the trial judge has determined for the present that the provisions of the Speedy Trial Act do not apply, there is some point at which constitutional concerns must take precedence. Without suggesting when that occurs, I am directing the pre-trial services officer to begin an inquiry with designated members of the defendant's family and report back to me, at least informally, as to those findings including whether pre-trial services has any recommendation for release on conditions. I will share this information with the government's attorney and the defense attorney, as I am satisfied we will all be required to address this issue at a later date. Nevertheless, for the present, the defendant's renewed motion for release is DENIED; DIXON, Wallace W., U. S. Magistrate; cc to SAUSA: Mr. Parish; USMS: USPO; Judge Howard; CR OB #12, p. 30; ent. 9/18/89		bb		

UNITED STATES DISTRICT COURT
CRIMINAL DOCKET

U. S. vs

KELLEY, Edward a/k/a Fast Eddie

89-03-01-CR-3

AO 256A *

Yr. Docket No. Def.

DATE	PROCEEDINGS (continued)	V. EXCLUDABLE DELAY			
		(a)	(b)	(c)	(d)
	(Document No.)				
10/19/89	Letter written by Mag. Dixon addressed to defense counsel and SAUSA Major Borch regarding parties reaching some type of agreeable terms for pretrial release of def't. Attys are directed to respond to Mag. Dixon's letter immediately; cy sent to USPO and Judge Howard for information purposes				bb
12/19/89	HEARING ON CONDTIONS OF RELEASE @ Fayetteville;; Mag. Dixon; proceedings recorded; Court sets conditions of release for def't to reside at the Bannum Place; Court is aware of SAUSA Borch's absence; Court advises def't of penalties and sanctions involved if conditions violated;				
"	ORDER SETTING CONDTIONS OF RELEASE-The def't shall remain in residence at the Community Correction Center in Fayetteville, NC and is subject to the conditions of the facility 2. Avoid all contact w/Frank Alec Acus, Jack Wayne Williamson; def't may contact brother Leslie James Kelly by mail only-no phone or personal contact 3. report as direct to ptso 4. comply w/whatever curfew set by CTC 5. refrain fomr possessing firearm 6. refrain from <u>any</u> use/possession of drugs or alcohol 7. Undergo medical or psychiatrict treatment and/or remain in an insitution as follows: which includes alcohol/drug rehab and education 8. If directed by PTSO, def't to submit to inpatient treatment and random urinalysis on demand by PTSO or the CTC for detection of controlled substances; Mag. Dixon; cys dist. to AUSA; def't; USMS; USPO				bb
1/22/90	RESPONSE TO DEFENDANT'S OMNIBUS MOTION REGARDING CUSTODY - by govt. w/cs. to def. counsel. Cy. to Judge Howard w/ prop. order,				b11
1/26/90	ORDER FOR DISMISSAL-Pursuant to Rule 48(a), FPR.Cr.P, and by leave of court endorsed hereon, the USAtty. for the EDNC hereby dismisses the Indictment against Edward Kelly a/k/a "FAST EDDIE" without prejudice; Leave of Court is granted for the filing of the dismissal; HOWARD, Malcolm J. U. S. Dist. Judge; CR OB#12, p. 180; cc to SAUSA; Mr. Cooke/Parish; USPO; USMS; Mag. Dioxn; Judge Howard ent. 1/30/90				bb
"	MOTION FOR FINANCIAL ASSISTANCE-by def't to provide financial assistance to def't in his return to his home; cy to Mag. Dixon				bb
"	ORDER-IT IS ORDERED that on the defendant's release from custody, the USMS furnish the def't w/transporation and subsistence from Fayetteville, NC, to Schenectady, NY, or in the alternative, allowance therefor; Mag. Dixon; CR OB#12, p. 181; cc to USMS; AUSA: Mr. Cooke; USPO; Mag. Dixon; Judge Howard ent. 1/30/90 (cy of order hand deliver to USMS on 1/26/90)				bb

UNITED STATES DISTRICT COURT
CRIMINAL DOCKET

AO 256A

DATE	PROCEEDINGS (continued)	V. EXCLUDABLE DELAY			
		(a)	(b)	(c)	(d)
2/1/90	<div>(Document No.)</div> <div>RETURN on Mag. Dixon order of 1/26 for transporation and subsistance- On 1/30/90 def't was released from the Bannum Place in Fayetteville and was provided airline transportation to New York and a check for \$54.00; Alex Holman, DUSM</div>		bb		